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11 *Attorneys for USACM Liquidating Trust*

12 Electronically Filed November 5, 2007

13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF NEVADA**

15 In re:

16 USA COMMERCIAL MORTGAGE COMPANY,
17 USA CAPITAL REALTY ADVISORS, LLC,
18 USA CAPITAL DIVERSIFIED TRUST DEED
19 FUND, LLC,
20 USA CAPITAL FIRST TRUST DEED FUND, LLC,
21 USA SECURITIES, LLC,

22 Debtors.

23 **Affects:**

24 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

25 Case No. BK-S-06-10725-LBR
26 Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

27 **CHAPTER 11**

28 Jointly Administered Under
29 Case No. BK-S-06-10725 LBR

30 **NOTICE OF ENTRY OF ORDER
31 SUSTAINING OBJECTION OF USACM
32 TRUST TO AUGUSTINE TUFFANELLI
33 FAMILY TRUST'S CLAIM FILED IN
34 WRONG DEBTOR'S CASE; AND
35 SUSTAINING OBJECTION OF DTDF TO
36 PROPOSED ALLOWANCE OF CLAIM;
37 AND CERTIFICATE OF SERVICE**

38 **PLEASE TAKE NOTICE** that on the 1st day of November 2007, the Court in the
39 above-captioned case entered its Order Sustaining Objection of USACM Trust to
40 Augustine Tuffanelli Family Trust's Claim Filed in Wrong Debtor's Case; and Sustaining
41 Objection of DTDF to Proposed Allowance of Claim, a copy of which is attached hereto.

42 ///

43 ///

1 DATED this 5th day of November 2007.

2 **LEWIS AND ROCA LLP**

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9

10 **CERTIFICATE OF SERVICE**

11 I certify that a copy of the foregoing was served via first class mail, postage
12 prepaid, addressed as set forth below, on this 5th day of November 2007, to:

13 Augustine Tuffanelli Family Trust
Augustine Tuffanelli Trustee
c/o Thomas R Brooksbank
689 Sierra Rose Drive, Suite A2
Reno, NV 89511

14 By /s/ Tamika Shauntee
15 Tamika Shauntee, Lewis and Roca LLP



Entered on Docket
November 01, 2007

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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12 **UNITED STATES BANKRUPTCY COURT**

13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE COMPANY,

16 USA CAPITAL REALTY ADVISORS, LLC,

17 USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

18 USA CAPITAL FIRST TRUST DEED FUND, LLC,

19 USA SECURITIES, LLC,

20 *Debtors.*

21 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

21 **CHAPTER 11**

22 Jointly Administered Under

23 Case No. BK-S-06-10725 LBR

24 **ORDER SUSTAINING OBJECTION OF
USACM TRUST TO AUGUSTINE
TUFFANELLI FAMILY TRUST'S CLAIM
FILED IN WRONG DEBTOR'S CASE;
AND SUSTAINING OBJECTION OF
DTDF TO PROPOSED ALLOWANCE OF
CLAIM**

25 Hearing Date: October 15, 2007

26 Hearing Time: 9:30 a.m.

1 The Court having considered the "Objection of USACM Trust to Augustine
2 Tuffanelli Family Trust's Claim Filed in Wrong Debtor's Case; Objection of DTDF to
3 Proposed Allowance of Claim" [Docket No. 4799] (the "Objection"); with appearances as
4 set forth in the record at the hearing noted above; appropriate notice of the Objection
5 having been given; no response to the Objection having been filed; and good cause
6 appearing:

7 **IT IS HEREBY ORDERED** that:

8 1. The Objection is sustained;
9 2. Proof of Claim No. 10725-00090 is disallowed in its entirety as against USA
10 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");
11 and

12 3. Augustine Tuffanelli Family Trust's equity interest in DTDF is allowed in
13 the amount of \$96,094.65, as reflected in DTDF's books and records as of April 13, 2006.

14 PREPARED AND RESPECTFULLY SUBMITTED BY:

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25 *Attorneys for USA Capital Diversified
26 Trust Deed Fund, LLC*



RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- The Court waived the requirements of LR 9021.
- I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
 - approved the form of this order; and/or
 - waived the right to review the order; and/or
 - failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:

n/a
- No opposition was filed to the objection and no other party or counsel appeared at the hearing.

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